REMARKS

Claims 1-35 are amended. Claim 26 has been cancelled. Claims 1-35 are pending and under consideration.

In the Office Action summary, the Examiner asserts that the certified copy of the priority document has not been received. However, in item 1 on page 2 of an Office Action, the Examiner asserts that the certified copy has been received. The Examiner respectfully requested to acknowledge receipt of the certified copy of the priority document in the summary section of the next communication from the U.S. Patent and Trademark Office.

Objections to the Drawings:

Figures 1 and 2 are labeled "PRIOR ART" in the attached Replacement Sheets for Figures 1 and 2. Withdrawal of the objections to the drawings is respectfully requested.

Objections to claims 1-35:

Claims 1-35 are objected to because of the following informalities.

Claim 26 has been cancelled without prejudice or disclaimer.

Claims 1-25 and 27-35 have been amended to overcome the objections.

Claims 1, 4-12, 14-15, 17-22, 28-29, and 31-32 have been amended to overcome the objection. Withdrawal of the objections to the drawings is respectfully requested

Claim Rejections under 35 U.S.C. §112:

Claims 1 and 26 are rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 has been amended to overcome the objection.

Claim Rejections under 35 U.S.C. §102:

Claims 1, 4, 10, 11, 12, 14, 17, 25, 26, 27 and 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Murty et al. (US Patent No. 5,291,106). This rejection is respectfully traversed and reconsideration is requested. Claim 26 was cancelled

At pages 5-7 of the outstanding Office Action the Examiner sets forth Murty et al. discloses the braking switch is disposed to one of the connection terminals to connect the one of the connection terminals to a corresponding power supply terminal.

By way of review, Murty et al. sets forth "the load resistor operates to provide a minimum braking torque which varies with the motor velocity" (col. 2, lines 18-21) and "**the load resistor 26** provides a minimum braking torque, even with no modulation of the inverter transistors 30" (col. 7, lines 21-23). However, the present invention sets forth "the braking resistor may have a small resistance value than that of the over voltage protection resistor so that a majority of the currents flow through the brake resistor when the motor is in a dynamic braking mode. (paragraph [0017]). It would appear that the load resistor in Murty et al. and the brake resistor in claim 1 are different from each other. Therefore, Murty et al. fails to disclose "a braking resistor disposed in the power supply line connecting the pair of connection terminals to each other" as recited in claim 1.

Accordingly, it is respectfully submitted that Murty et al. does not disclose the invention recited in claim 1.

Furthermore, applicant respectfully submit that claims 11, 12, and 14 also should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

Regarding claims 4 and 17, the Office Action asserts that Murty et al. discloses how the controller controls the braking switch to switch to the normal position when the motor is in driving mode.

By way of review, Murty et al. sets forth "if the machine 10 is being operated in a motoring mode (that is, the direction command F/R is in the direction of motor rotation DIR), as determined at block 176, the blocks 177 and 192 are executed to set the MODE signal low for normal operation and to output the Iref, F/R and MODE signals. If the machine 10 is being operated in a braking mode (that is, the direction command F/F is opposite to the direction of motor rotation DIR)." However, Murty et al. fails to disclose "the control part controls the braking switch to switch to the normal position when the motor is in a driving mode" recited in claim 4.

As noted in at least MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053(Fed. Cir. 1987).

Accordingly, it is respectfully submitted that Murty et al. does not disclose the invention recited in claim 4.

Claim 17 also should be allowable for at least the same reasons as claim 4.

Regarding claims 7, 10 and 20, the Office Action sets forth Murty et al. teaches the transistor gates could alternatively be replaced by electromagentic relays.

By way of review, Murty et al. fails to disclose "a relay having a first contact point where the braking switch switches to the normal position and a second contact point where the braking switch switches to the braking position" as recited in claim 7.

Accordingly, it is respectfully submitted that Murty et al. does not disclose the invention recited in claim 7.

Furthermore, applicant respectfully submit that claims 10 and 20 also should be allowable for at least the same reasons as claim 7, as well as for the additional features recited therein.

Claim Rejections under 35 U.S.C. §103:

Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murty et al. (US Patent No. 5,291,106) and further in view of Jahkonen (US Patent No. 6,452,357). This rejection is respectfully traversed and reconsideration is requested.

Claim 26 has been cancelled without prejudice or disclaimer.

The Office Action sets forth Murty et al. fails to disclose an encoder that is used to code an angle of a rotation position of the motor and calculate a rotational position and a speed of the motor based on an encoded signal to provide the control part the information gathered. However, the Office Action sets forth Jahkonen discloses an encoder as recited in claim 13.

As mentioned above, Murty et al. fails to disclose "an encoder that is used to code an angle of a rotation position of the motor and calculate a rotational position and a speed of the motor based on an encoded signal to provide the control part the information gathered" recited invention in claim 13. Although Jahkonen discloses an angle and rotation position of the motor, this reference is not cited for and does not cure the above noted deficiencies of Murty et al.

Therefore it is respectfully submitted that neither Murty et al. nor Jahkonen, either alone or in combination, teach or suggest how to combine a control part controlling the braking switch in claim 13.

Claim 23 is rejected under 35 U.S.C 103(a) as being unpatentable over Murty et al.(and further in view of Sekiguchi et al. (Pub No. US 2002/0051371). This rejection is respectfully traversed and reconsideration is requested.

The Office Action sets forth Murty et al. fails to disclose an inrush-current protection

circuit to prevent an inrush-current from being generated on an initial supply of power to the DC supply unit.

As noted above, Murty et al. fails to disclose a brake resistor as recited in claim 1. Although Sekiguchi et al. discloses an angle and rotation position of the motor, this reference is not cited for and does not cure the above noted deficiencies of Murty et al. Therefore it is respectfully submitted that neither Murty et al. nor Sekiguchi et al, either alone or in combination, teach or suggest how to combine a control part controlling the braking switch in claim 23.

OBJECTION OF CLAIMS 17-22:

Claims 2-3, 5-6, 8-9, 15-16,18-19, 21-22, 24, 28-31, 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, reconsideration of claims 2-3, 5-6, 8-9, 15-16, 18-19, 21-22, 24, 28-31, 33-34 is respectfully requested based.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 24, 2005

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CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514
on May 24, 2005
STAAS & HALSEY LLP
By: _____
Date: May 24, 2005

AMENDMENTS TO THE DRAWINGS:

The attached drawing(s) include replacement sheets of FIGS. 1 and 2, labeling Figures 1 and 2 "PRIOR ART".